

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

JACOB BAREFIELD, )  
Plaintiff, )  
v. ) Case No.: 2:20-cv-00917-WKW-CWB  
JEFFERSON S. DUNN, et al. )  
Defendants. )

**DEFENDANT HAGGINS'  
MOTION FOR SUMMARY JUDGMENT**

COMES NOW, Defendant Josiah Haggins, and pursuant to FED. R. CIV. P. 56, moves this Honorable Court to enter summary judgment in his favor, dismissing this action and each count thereof, on the grounds that there is no genuine dispute as to any material fact and this defendant is entitled to judgment as a matter of law.

More specifically, summary judgment should be granted for the following reasons:

1. Defendant Haggins was not at work on the day Plaintiff alleges that he was raped and reported the rape to Haggins;

2. As a matter of law, there is insufficient evidence that Defendant Haggins is liable for the claims asserted against him in Count II(A) for deliberate indifference to a serious medical need, Count III(B) for intentional infliction of emotional distress, and Count IV for civil conspiracy, all of which are based on Barefield's contention that Haggins ignored his report of being raped; and

3. The claims against Defendant Haggins are barred by qualified immunity and State-agent immunity.

This motion is based on the pleadings, Plaintiff's amended complaint, the affidavit of Josiah Haggins, and the affidavit of Donald Garris with the Alabama Department of Corrections, and Haggins' Brief in Support of Motion for Summary Judgment along with his narrative statement of undisputed facts filed contemporaneously herewith.

WHEREFORE PREMISES CONSIDERED, Defendant Haggins requests this Honorable Court to enter summary judgment in his favor dismissing this action and each count thereof as to him and to make said judgment final on the express ground there is no just reason for delay in entry of final judgment in his favor.

Respectfully submitted,

/s/ Steven K. Herndon  
STEVEN K. HERNDON  
(ASB-0093-074S)  
Attorney for Defendant Haggins

Herndon Law PC  
1430 I-85 Parkway, Suite 234  
Montgomery, AL 36106  
Telephone: (334) 386-3848  
Facsimile: (334) 386-3852  
[steve@herndon.law](mailto:steve@herndon.law)

## CERTIFICATE OF SERVICE

I hereby certify that on this 6th of December 2023, I have served a copy of the foregoing on all parties by using CM/ECF or by U.S. mail:

Shannon Lynn Holliday  
Copeland Franco Screws & Gill, PA  
P.O. Box 347  
Montgomery, AL 36101-0347  
[holliday@copelandfranco.com](mailto:holliday@copelandfranco.com)

Alexis Debernardis  
Charlotte Gillingham  
Jeane A. Thomas  
Luke Van Houwelingen  
Crowell & Moring LLP  
1001 Pennsylvania Ave NW  
Washington, DC 20004  
[adebernardis@crowell.com](mailto:adebernardis@crowell.com)  
[cgillingham@crowell.com](mailto:cgillingham@crowell.com)  
[jthomas@crowell.com](mailto:jthomas@crowell.com)  
[lvanhouwelingen@crowell.com](mailto:lvanhouwelingen@crowell.com)

Eric Fanchiang  
Crowell & Moring LLP  
3 Park Plaza – 20<sup>th</sup> Floor  
Irvine, CA 92614  
[efanchiang@crowell.com](mailto:efanchiang@crowell.com)  
*Attorneys for Plaintiff*

Terri Olive Tompkins  
Christian Alexandra Montgomery  
Rosen Harwood, P.A.  
2200 Jack Warner Parkway, Suite 200  
Tuscaloosa, Alabama 35401  
[ttompkins@rosenharwood.com](mailto:ttompkins@rosenharwood.com)  
[amontgomery@rosenharwood.com](mailto:amontgomery@rosenharwood.com)  
*Attorney for Anne Hill*

Matthew Reeves  
William Richard Lunsford  
Matthew Barley  
Butler Snow LLP  
200 West Side Square, Suite 100  
Huntsville, Alabama 35801  
[bill.lunsford@butlersnow.com](mailto:bill.lunsford@butlersnow.com)  
[matt.reeves@butlersnow.com](mailto:matt.reeves@butlersnow.com)  
[matt.barley@butlersnow.com](mailto:matt.barley@butlersnow.com)

*Attorneys for Defendants Hamm, Culliver, Williams, Stamper, Naglich, Abbott, Mercado, Brand, Vincent, Strickland, Jones, Gordy, Myers, Gordon, Peters, Haggins, Glenn, Rumph, Byrd, Lewis, & Ivey*

J. Matt Bledsoe  
Tara S. Hetzel  
Office of the Alabama Attorney General  
501 Washington Avenue  
Montgomery, AL 36130  
[matt.bledsoe@alabamaag.gov](mailto:matt.bledsoe@alabamaag.gov)  
[tara.hetzel@alabamaag.gov](mailto:tara.hetzel@alabamaag.gov)  
*Attorneys for Defendants Strickland, Jones, Myers, Gordon, Peters, Glenn, Rumph, Byrd, & Lewis*

/s/ Steven K. Herndon